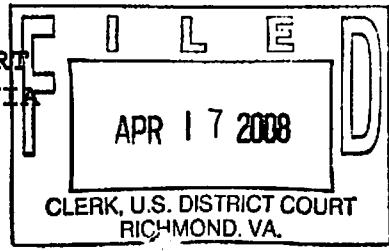


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ROBERT GARRETT,  
et al.,

Plaintiffs,

v.

Civil Action No. 3:07cv286

SHERIFF C.T. WOODY, in  
his official capacity,

Defendant.

**ORDER**

By Order entered herein on February 15, 2008 (Docket No. 49), the pending Motion For Summary Judgment (Docket No. 35) was referred to Magistrate Judge Dennis W. Dohnal for report and recommendation.

Having reviewed the Report And Recommendation Of The Magistrate Judge (Docket No. 66) entered herein on March 21, 2008, the defendant's Objections To Report And Recommendation (Docket No. 67), the Plaintiff's Response In Opposition To Defendant's Objections To Report And Recommendation (Docket No. 68) and having considered the record and the Report and Recommendation and finding no error therein, it is hereby ORDERED that:

- (1) The defendant's objections are overruled;
- (2) The Report And Recommendation Of The Magistrate Judge is ADOPTED to the extent that it holds that there are genuine disputes of material fact that preclude summary judgment;

(3) The defendant's Motion For Summary Judgment (Docket No. 35) is denied; and

(4) The parties are to contact the Court no later than April 22, 2008 to schedule a time for a conference call for the purpose of scheduling a trial date.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

/s/

*REP*

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Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: April 16, 2008